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ACTION WHA-00

RELEASED IN FULL

INFO	LOG-00	AID-00	AMAD-00	CIAE-00	INL-00	DNI-00	PDI-00
	EAP-00	EUR-00	UTED-00	H-00	TEDE-00	INR-00	LAB-01
	L-00	DCP-00	NSAE-00	ISN-00	OMB-00	NIMA-00	PA-00
	MCC-00	GIWI-00	ISNE-00	DOHS-00	SSO-00	SS-00	FMP-00
	R-00	ECA-00	SCRS-00	PRM-00	DRL-00	G-00	SAS-00
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R 261436Z JAN 06  
FM AMEMBASSY CARACAS  
TO SECSTATE WASHDC 2885  
INFO AMEMBASSY BOGOTA  
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AMEMBASSY PANAMA  
AMEMBASSY BRASILIA  
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AMEMBASSY LISBON  
AMEMBASSY LONDON  
AMEMBASSY MADRID  
AMEMBASSY MEXICO  
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AMEMBASSY QUITO  
AMEMBASSY ROME  
AMEMBASSY THE HAGUE  
AMEMBASSY VATICAN  
AMEMBASSY WARSAW  
AMEMBASSY BERLIN  
HQ USSOUTHCOM MIAMI FL  
NSC WASHDC  
USINT HAVANA

UNCLAS CARACAS 000191

SIPDIS

STATE FOR WHA/PDA LEBENS, WHA/AND CUE/MCISAAC

POSTS FOR PAO

E.O. 12958: N/A

TAGS: KPAO, PHUM, OPRC, VE

SUBJECT: VENEZUELAN ATTORNEY GENERAL SEEKS TO SILENCE PRESS  
ATTACKS ON HIS KEY WITNESS IN ANDERSON CASE; THE COURTS  
AGREE

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: OSCAR J OLSON  
DATE/CASE ID: 06 SEP 2006 200600236

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## SUMMARY -----

1. On January 18 Venezuelan Attorney General Isaias Rodriguez responded to press reports that severely undermined the credibility of his key witness in the case of assassinated prosecutor Danilo Anderson by asking a judge to prohibit writings or acts that would call the witness and case into doubt. He did not accuse the journalists of having unauthorized access to privileged government information, but rather attacked them on the grounds that their investigative journalism included false information and undermined the prosecutor's case. In an increasingly commonplace Bolivarian orwellianism, Rodriguez argued that he was protecting freedom of expression by inhibiting freedom of expression. His statement was quickly condemned by Venezuelan media organizations, followed by international press organizations. Subsequently, a judge issued a restraining order prohibiting all media comment on the witness, leading major media outlets here, led by the all-news TV channel GLOBOVISION, to again blast what the media here is calling prior censorship. GLOBOVISION apparently intends to continue to report on Vasquez de Armas despite the court order. End summary.

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THE WITNESS WHO WASN'T THERE  
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2. AG Rodriguez and his prosecutors have publicly based their theory regarding the masterminds of the high-profile murder of prosecutor Danilo Anderson on the testimony of key witness Giovanni Jose Vasquez De Armas, a shadowy Colombian. Danilo Anderson was a federal prosecutor killed in a November 2004 car bombing. Three ex-policemen were convicted in December 2005 for the actual bombing but the prosecutor has been pursuing the so-called "intellectual authors" who he alleges were responsible for ordering the killing. In his testimony, Vasquez de Armas spun a web regarding a series of conspiratorial meetings to plan Anderson's demise, which according to Vasquez de Armas, included a who's who of the opposition. The conspirators also discussed bumping off other high-ranking Bolivarian Republic of Venezuela (BRV) figures. Investigative journalists in Venezuela media swung into action, reporting inter alia that Vasquez de Armas' claim of being a psychologist was false, showing he had Venezuelan identity papers, that he had voted in several past elections here, and revealing his criminal record as a swindler and fabricator. The most telling information discrediting

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Vasquez de Armas quotes Colombian authorities establishing that he was actually incarcerated in Colombian jail the day he claimed to have been at a dramatic meeting with conspirators to plan the assassinations, including Anderson.

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KILL THE MESSENGER  
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3. Rodriguez responded to these press attacks by accusing the media of orchestrating a campaign to derail his prosecution in order to protect the masterminds of Anderson's murder. He asked judicial authorities to gag the press on the Anderson case, citing Article 110 of the

Organic Law on Judicial Power, which states that anyone impeding or obstructing an action of the judiciary or public ministry through fraud, violence or intimidation can be sentenced from 6 months to three years in prison. He also cited the Social Responsibility Law for Radio and Television, article 1, which calls on broadcasters to express social responsibility in fomenting a "democratic equilibrium between duties, rights and interests" and article 3 that promises freedom of expression within the limits of responsibility that it entails. He noted a court decision that gave the courts the right to prohibit the publication of certain information, and which also argued that Venezuelan law superseded international law.

4. In a move which clearly demonstrated the lack of independence of the Venezuelan judiciary from the executive, a Venezuelan court quickly acceded to Rodriguez' request. On January 23 Judge Florencio Silano prohibited all press commentary on the Anderson case, in particular commentary on the 'private life' of key witness Giovanni Jose Vasquez de Armas. Judge Silano established that "freedom of expression cannot be permitted for the uncontrolled disclosure of embarrassing statements about a person ... much less disseminating ideas, unproved facts, apparent legal documents, recordings ... that constitute a defense for terrorism." Separately, the head of CONATEL, the Venezuelan FCC, announced that administrative proceedings had begun against various broadcasters based on requests by the Attorney General. CONATEL is well known in media circles for levying heavy fines against broadcasters affiliated with the opposition on the flimsiest of pretexts.

5. The director of GLOBOVISION, Alberto Federico Ravell, publicly accepted receipt of the CONATEL notice, to the point of filming it live and repeatedly broadcasting the

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tape of that interaction throughout the day. Speaking to the cameras with the baffled COINATEL functionary by his side, Ravell called the notice "a historic act of prior censorship by the courts." Miguel Otero, the publisher of Caracas daily El Nacional, defiantly stated in an interview that his paper would continue to publish material on the case. Marcel Granier the head of national TV chain RCTV complained on the air, "that the prosecutor's office intends to protect the honor and dignity of the key witness, but not that of all the Venezuelans that suffer injustice here." He added that it was another sign of the decomposition of the Venezuelan state.

6. In a conversation with the A/PAO, an executive with GLOBOVISION said that they had consulted with their attorneys and believe they can continue to report on the Anderson case and Vasquez de Armas' role in it. They interpret the order as only prohibiting revealing official court documents. He claimed that GLOBOVISION is not seeking a confrontation with the judiciary, but will run a program on January 26 entitled "Giovanni Vasquez de Armas Speaks." Separately, the publisher of a leading Caracas daily told a PD officer that he doubted that GLOBOVISION strategy would pass muster with the courts. The publisher was pinning his hopes on an appeal to the courts that he felt had a good chance of success. In the meantime, his paper would meticulously follow the court order and publish nothing on the case. He noted the "stupid ambiguities" in the order made this the safest course. He added that the Attorney General would be introducing legislation in the National

Assembly this year to further tighten controls on the press.

### ----- THE REACTION -----

7. The Bloque de Prensa Venezolano (The Venezuelan Press Bloc), an organization representing the private Venezuelan media, released a statement on January 19 condemning the Attorney General's legal actions against the media, saying that it is rejected by the democratic conscience of the majority of Venezuelans. Their condemnation was echoed by the National Journalist Guild and the National Union of Press Workers.

8. On January 20 the Inter American Press Association condemned the Venezuelan Government's threats. The Chairman of the Committee on Freedom of the Press and Information, Gonzalo Marroquin, said, "we regret that behind the facade

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of obstruction of justice they are trying to limit the media's ability to inform citizens on issues of general public interest." On January 24 it also condemned the judge's decision, calling it a clear case of prior censorship. Reporters without Borders added its own condemnation of "state censorship" on January 24.

9. The government responded to the condemnations by having various government figures, including the head of the National Assembly, the Justice Minister, and the Information Minister, publicly defend the Attorney General. As usual, the government spokesmen accused the press of launching a 'media war' aimed at bringing down the government, and in this case, justifying terrorism.

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COMMENT  
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10. The press was quick to punch holes in the publicly revealed Vasquez de Armas statement, which included everyone from Catholic Church cardinals to the FBI in the Anderson conspiracy. Rodriguez, in a typically thin-skinned BRV reaction, is going after the press using the ambiguously worded new penal and media laws. The quick decision by the judiciary in favor of the government is a bad omen for press freedom. If post contacts are correct, additional anti-press legislation this year could remove any wiggle room that the press has had with the courts.

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